

REMARKS

In the final Office Action, the Examiner rejects claims 7-12 under 35 U.S.C. § 103(a) as being unpatentable over BENNETT et al. (Quantum Cryptography: Public Key Distribution and Coin Tossing, International Conference on Computer Systems & Signal Processing, Bangalore India, 10-12 Dec. 1984) in view of LEE (U.S. Patent No. 5,535,195) and BASS et al. (U.S. Patent No. 4,649,233); objects to claim 13 as being dependent upon a rejected base claim; and allows claims 1-6 and 14-32. Applicants respectfully traverse the above rejection.¹

Applicants appreciate the Examiner's indication that claims 1-6 and 14-32 are allowed and that claim 13 would be allowable if rewritten in independent form including all features of the base claim and any intervening claim

By way of the present amendment, Applicants propose canceling claims 7-13 without prejudice or disclaimer and in order to place the present application in immediate condition for allowance. Claims 1-6 and 14-32 would remain pending upon entry of the proposed amendment.

Claims 7-12 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over BENNETT et al. in view of LEE and BASS et al. Applicants propose canceling claims 7-12, thereby rendering this rejection moot.

¹ As Applicants' remarks with respect to the Examiner's rejections overcome the rejections, Applicants' silence as to certain assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, reasons for modifying a reference and/or combining references, assertions as to dependent claims, etc.) is not a concession by Applicants that such assertions are accurate or that such requirements have been met, and Applicants reserve the right to dispute these assertions/requirements in the future.

Application No. 10/803,509
Amendment dated June 4, 2008
Reply to Office Action of April 4, 2008

Docket No.: BBNT-P01-258

If the Examiner believes that the application is not now in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned to discuss any outstanding issues.

Applicant believes no fee is due with this response other than as indicated in the enclosed Amendment Transmittal. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. BBNT-P01-258 from which the undersigned is authorized to draw.

Dated: June 4, 2008

Respectfully submitted,

/Michael J. Chasan/
Michael J. Chasan
Registration No.: 54,026
ROPES & GRAY LLP
One International Place
Boston, Massachusetts 02110
(617) 951-7000
(617) 951-7050 (Fax)
Attorneys/Agents For Applicant